2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Substantive issues to considered by Main Committee II of the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

Working paper presented by the members of the Group of Non-Aligned States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

Nuclear-weapon-free zones

1. The Group of Non-Aligned States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons continues to consider the establishment of nuclear-weapon-free zones created by the Treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba as a positive step towards attaining the objective of global nuclear disarmament. The Group welcomes the efforts aimed at establishing nuclear-weapon-free zones in all regions of the world and calls for cooperation and broad consultations in order to achieve agreements freely arrived at among the States of the regions concerned.

2. The Group of Non-Aligned States Parties to the Treaty reiterates that, in the context of nuclear-weapon-free zones, it is essential that nuclear-weapon States should provide unconditional assurances against the use or threat of use of nuclear weapons to all States of the zone. The Group urges States to conclude agreements with a view to establishing new nuclear-weapon-free zones in regions where they do not exist in accordance with the provisions of the Final Document of the First Special Session of the General Assembly Devoted to Disarmament and the principles and guidelines adopted by the United Nations Disarmament Commission at its 1999 substantive session. In this context, the Group considers that the further institutionalization of that status would be an important measure towards strengthening the non-proliferation regime in that region.

3. With the ratification by Cuba of the Treaty of Tlatelolco, all the Latin American and Caribbean States are now parties to the Treaty and this has brought the Treaty into full force in its area of application. The Group of Non-Aligned States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons emphasizes the need to strengthen the integrity of the statute of denuclearization provided for in the

Treaty of Tlatelolco by a review of the declarations that were formulated by the nuclear-weapon States parties to Protocols I and II for possible withdrawal or modification.

4. The Group of Non-Aligned States Parties to the Treaty welcomes the ongoing consultations between the Association of South-East Asian Nations (ASEAN) and the nuclear-weapon States on the Protocol of the South-East Asian Nuclear-Weapon-Free Zone Treaty and urges the nuclear-weapon States to become parties to the Protocol of the Treaty as soon as possible.

5. The Group of Non-Aligned States Parties to the Treaty stresses the importance of the signature and ratification of the Treaties of Rarotonga and Pelindaba by all regional States, as well as the signature and ratification by the nuclear-weapon States that have not yet done so of the relevant Protocols to those treaties. The Group also welcomes the decision by all five Central Asian States to sign the Central Asian Nuclear-Weapon-Free Zone Treaty as soon as possible.

6. The Group of Non-Aligned States Parties to the Treaty has also expressed its support for the initiative of convening an international conference of States parties and signatories of the Treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba in order to support the common objectives established in those treaties and to discuss and implement further ways and means of cooperation among themselves, their Treaty agencies and other interested States as soon as possible. In this context, the Group welcomes the outcome of the Conference of States Parties and Signatories of Treaties that Establish Nuclear-Weapon-Free Zones, which was held in Mexico City from 26 to 28 April 2005.

Safeguards

7. The Group of Non-Aligned States Parties to the Treaty expresses its strong concern at the growing resort to unilateralism and unilaterally imposed prescriptions and, in this context, strongly underlines and affirms that multilateralism and multilaterally agreed solutions, in accordance with the United Nations Charter, provide the only sustainable method of addressing disarmament and international security issues. In this regard, the Group underlines that the IAEA-established multilateral mechanism is the most appropriate way to address verification and safeguards issues.

8. The Group of Non-Aligned States Parties to the Treaty stresses the importance of the IAEA safeguards system. In this regard, the Group urges all States that have yet to bring into force comprehensive safeguards agreements to do so as soon as possible. The 2000 Review Conference considered this as a main objective to consolidate and enhance the verification system for the non-proliferation regime. However, the Group does not desire to see international efforts towards achieving universality of comprehensive safeguards to wither away in favour of pursuing additional measures and restrictions on non-nuclear-weapon States, which are already committed to non-proliferation norms and which have renounced the nuclear-weapon option. The Group also expresses its strong rejection of attempts by any Member State to use the technical cooperation programme of IAEA as a tool for political purposes in violation of its statute.

9. The Group of Non-Aligned States Parties to the Treaty fully recognizes the role of IAEA as an independent intergovernmental, science and technology-based

organization in the United Nations system, which serves as the sole verification agency for nuclear safeguards and the global focal point for nuclear technical cooperation.

10. The Group of Non-Aligned States Parties to the Treaty reiterates that IAEA's work with regard to safeguards and verification needs to be conducted in accordance with the provisions of its statute and relevant safeguards agreements, including the Model Additional Protocol, where applicable. The Group emphasizes that it is fundamental to make the distinction between legal obligations and voluntary confidence-building measures. In this regard, the Group also emphasizes that IAEA shall ensure avoiding any ultra vires acts jeopardizing its integrity and credibility. The Group urges States Parties to the Treaty to maintain and strengthen the technical character of IAEA consistent with the role defined for it in the statute.

11. With respect to safeguards, the Group of Non-Aligned States Parties to the Treaty believes that the differentiated nature of the financial obligations undertaken by States members of IAEA should be recognized and respected by IAEA in its work.

12. The Group of Non-Aligned States Parties to the Treaty welcomes the ratification by Kuwait and Cuba of the Additional Protocols and the signing of the Protocols by Iran (Islamic Republic of), the Libyan Arab Jamahiriya, Madagascar, Mauritius, Morocco, the Niger, Panama and Togo.

Verification

13. The Group of Non-Aligned States Parties to the Treaty commends IAEA for the extensive verification activities it has undertaken since its inception and expresses full support for its ongoing efforts.

14. The Group of Non-Aligned States Parties to the Treaty reaffirms that IAEA is the competent authority responsible for verifying and assuring compliance by States Parties with their safeguards agreements undertaken in fulfilment of their obligations under article III, paragraph 1, of the Treaty, with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. Therefore, nothing should be done to undermine the authority of IAEA in this regard. States Parties that have concerns regarding non-compliance by the States Parties with the safeguards agreements of the Treaty should direct such concerns, along with supporting evidence and information, to IAEA to consider, investigate, draw conclusions and decide on necessary actions in accordance with its mandate.

15. The Group of Non-Aligned States Parties to the Treaty emphasizes the need to achieve worldwide application of the safeguards system and proposes that nuclear-weapon States Parties to the Treaty undertake to accept full-scope safeguards. This is to be set forth in an agreement to be negotiated and concluded with IAEA in accordance with its statute and the IAEA safeguards system, for the exclusive purpose of verification of the fulfilment of nuclear-weapon States' obligations assumed under this Treaty with a view to providing baseline data for future disarmament and preventing further diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices.

16. The Group of Non-Aligned States Parties to the Treaty, mindful of the importance of article III in verifying the peaceful nature of nuclear programmes,

reiterates that obligations under this article provide credible assurances for States Parties to engage in the transfer of nuclear equipment, material and technology for peaceful purposes. Therefore, States Parties to the Treaty are called upon to refrain from imposing or maintaining any restriction or limitation on the transfer of nuclear equipment, material and technology to States Parties with comprehensive safeguards agreements.

Regional issues

Middle East

17. The Group of Non-Aligned States Parties to the Treaty recalls the resolution on the Middle East adopted by the 1995 Review and Extension Conference and its operative paragraph 4, as well as the Final Document of the 2000 Review Conference (Part I), which "calls upon all States in the Middle East that have not yet done so, without exception, to accede to the Treaty as soon as possible and to place their facilities under full-scope International Atomic Energy Agency safeguards".

18. The Group of Non-Aligned States Parties to the Treaty recalls that the 2000 Review Conference reaffirmed that the 1995 resolution on the Middle East was an essential element of the outcome of the 1995 Review and Extension Conference and of the basis on which the Treaty on the Non-Proliferation of Nuclear Weapons was indefinitely extended without a vote in 1995, and that the resolution remains valid until its goals and objectives are achieved.

19. The Group of Non-Aligned States Parties to the Treaty recalls that the 2000 Review Conference reaffirmed the importance of Israel's accession to the Treaty on the Non-Proliferation of Nuclear Weapons and the placement of all its nuclear facilities under comprehensive IAEA safeguards, in realizing the goal of universal adherence to the Treaty in the Middle East.

20. The Group of Non-Aligned States Parties to the Treaty notes with regret that no progress has been achieved since 2000 with regard to Israel's accession to the Treaty, extension of full-scope safeguards to its nuclear facilities or establishment of a nuclear-weapon-free zone in the Middle East, all of which are objectives and priorities that were stressed in both Review Conferences of 1995 and 2000.

21. The Group of Non-Aligned States Parties to the Treaty reaffirms the importance of Israel's prompt accession to the Treaty on the Non-Proliferation of Nuclear Weapons and the placement of all its nuclear facilities under comprehensive IAEA safeguards, in realizing the goal of universal adherence to the Treaty in the Middle East.

22. The Group of Non-Aligned States Parties to the Treaty recalls that nuclear-weapon States, in conformity with their obligations under article I of the Treaty, solemnly undertake not to transfer nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly or indirectly to Israel, and further undertake not in anyway to assist, encourage or induce Israel to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices under any circumstances whatsoever.

23. The Group of Non-Aligned States Parties to the Treaty, in conformity with the seventh preambular paragraph and article IV of the Treaty, hereby declares its

commitment to exclusively prohibit the transfer of all nuclear-related equipment, information, material and facilities, resources or devices, and the extension of know-how or any kind of assistance in the nuclear, scientific or technological fields to Israel, as long as it remains a non-party to the Treaty and has not placed all its nuclear facilities under full-scope IAEA safeguards. The States Parties express their serious concern over the continuing development whereby Israeli scientists are provided access to the nuclear facilities of one nuclear-weapon State. This development will have potentially serious negative implications on security in the region as well as the reliability of the global non-proliferation regime.

24. The Group of Non-Aligned States Parties to the Treaty reaffirms once again the determination of the Parties to extend their fullest cooperation and to exert their utmost efforts with a view to ensuring the early establishment in the Middle East of a zone free of nuclear as well as all other weapons of mass destruction and their delivery systems.

25. The Group of Non-Aligned States Parties to the Treaty agrees that specific time should be made available at Preparatory Committee meetings of the 2010 Review Conference to review the implementation of the resolution on the Middle East adopted by the 1995 Review and Extension Conference and the Final Document of the 2000 Review Conference.

26. The Group of Non-Aligned States Parties to the Treaty agrees to establish a subsidiary body to Main Committee II of the 2005 Review Conference to consider and recommend proposals on the implementation of the resolution on the Middle East adopted by the 1995 Review and Extension Conference and the Final Document of the 2000 Review Conference.

27. The Group of Non-Aligned States Parties to the Treaty calls for the establishment of a Standing Committee composed of members of the Bureau of the 2005 Review Conference to follow up intersessionally the implementation of the recommendations concerning the Middle East, in particular Israel's prompt accession to the Treaty on the Non-Proliferation of Nuclear Weapons and the placement of all its nuclear facilities under comprehensive IAEA safeguards, and report to the 2010 Review Conference and its Preparatory Committee.